

AMENDED IN ASSEMBLY JULY 7, 2011
AMENDED IN ASSEMBLY JUNE 23, 2011
AMENDED IN ASSEMBLY JUNE 21, 2011
AMENDED IN SENATE APRIL 6, 2011

SENATE BILL

No. 658

Introduced by Senator Negrete McLeod

February 18, 2011

An act to amend Section 7685 of the Business and Professions Code, relating to funeral services.

LEGISLATIVE COUNSEL'S DIGEST

SB 658, as amended, Negrete McLeod. Licensed funeral establishments: price list: Internet posting.

The Funeral Directors and Embalmers Law regulates licensed funeral establishments and requires that they be operated by a licensed funeral director who is required to provide written information regarding funeral services and prices to consumers, as specified. A violation of the act is a misdemeanor.

This bill would, as of January 1, 2013, require that a licensed funeral establishment that maintains an Internet Web site also post on its Internet Web site, ~~in no less than 12-point font size, the merchandise list of funeral goods~~ and services that are required to be included in its general price list, as specified. The bill would also require an establishment to make its general price list available by mail, facsimile, or electronic mail, in certain circumstances.

Because this bill would establish a new crime, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7685 of the Business and Professions
2 Code is amended to read:

3 7685. (a) (1) Every funeral director shall provide to any
4 person, upon beginning discussion of prices or of the funeral goods
5 and services offered, a written or printed list containing, but not
6 necessarily limited to, the price for professional services offered,
7 which may include the funeral director's services, the preparation
8 of the body, the use of facilities, and the use of automotive
9 equipment. All services included in this price or prices shall be
10 enumerated. The funeral director shall also provide a statement on
11 that list that gives the price range for all caskets offered for sale.

12 (2) The list shall also include a statement indicating that the
13 survivor of the deceased who is handling the funeral arrangements,
14 or the responsible party, is entitled to receive, prior to the drafting
15 of any contract, a copy of any preneed agreement that has been
16 signed and paid for, in full or in part, by or on behalf of the
17 deceased, and that is in the possession of the funeral establishment.

18 (3) The funeral director shall also provide a written statement
19 or list that, at a minimum, specifically identifies a particular casket
20 or caskets by price and by thickness of metal, or type of wood, or
21 other construction, interior and color, in addition to other casket
22 identification requirements under Part 453 of Title 16 of the Code
23 of Federal Regulations and any subsequent version of this
24 regulation, when a request for specific information on a casket or
25 caskets is made in person by any individual. Prices of caskets and
26 other identifying features such as thickness of metal, or type of
27 wood, or other construction, interior and color, in addition to other
28 casket identification requirements required to be given over the
29 telephone by Part 453 of Title 16 of the Code of Federal

1 Regulations and any subsequent version of this regulation, shall
2 be provided over the telephone, if requested.

3 (b) (1) Each licensed funeral establishment that maintains an
4 Internet Web site shall post on its Internet Web site the
5 ~~merchandise list of funeral goods~~ and services that are required to
6 be included in the establishment's general price list, pursuant to
7 federal rule, and a statement that the general price list is available
8 upon request.

9 (2) Information posted pursuant to paragraph (1) shall be ~~located~~
10 ~~on provided by a link from~~ the home page of the Internet Web site
11 ~~in no less than 12-point size font.~~

12 ~~(3) If a consumer contacts an agent or employee of an~~
13 ~~establishment by telephone and the consumer inquires about prices~~
14 ~~during the conversation, that employee or agent shall inform the~~
15 ~~consumer at that time that the establishment's general price list is~~
16 ~~available and shall offer to provide the general price list by mail,~~
17 ~~facsimile, or electronic mail.~~

18 ~~(4)~~
19 (3) An establishment that posts, ~~in no less than 12-point size~~
20 ~~font,~~ on its Internet Web site home page the words "price
21 information" *or a similar phrase that includes the word "price,"*
22 with a link that leads to the establishment's general price list, need
23 not comply with paragraphs (1) or (2).

24 ~~(5)~~
25 (4) Nothing in this subdivision shall be construed to affect an
26 establishment's obligations under federal or state law effective
27 prior to January 1, 2013.

28 ~~(6)~~
29 (5) This subdivision shall become operative on January 1, 2013.

30 SEC. 2. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution because
32 the only costs that may be incurred by a local agency or school
33 district will be incurred because this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.